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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/666,529	09/19/2003	Guo-Qiang Wang	16019ROUS01U	5891

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EXAMINER

HARPER, KEVIN C

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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06/28/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/666,529

Applicant(s)

WANG ET AL.

Examiner

Kevin Harper

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 18 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-17 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-17 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 18 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>12/03</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

Claims 10-12 are rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

1. Regarding claims 10-12, these limitations are directed to software considered non-statutory as functional descriptive material (MPEP 2106.1).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 1-5, 7, 9-15 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samarasinghe (US 2004/0028080) in view of Takeda et al. (US 2003/0110292) and Hama (US 7,707,346).

2. Regarding claims 1, 4-5, 7, 9-15 and 17, Samarasinghe discloses a method comprising receiving a SIP message (para. 7) and registering information (para. 20; note: a call is setup). Further regarding claim 13, Samarasinghe discloses a gateway (fig. 2, item 31) for performing the method. However, Samarasinghe does not disclose receiving a SIP message containing VPN information and registering the VPN. Although, Samarasinghe discloses a SIP INVITE message containing node information (para. 7).

3. Further, Takeda discloses a SIP INVITE message containing various identifiers (fig. 8; para. 158). Still further, Hama discloses nodes belonging to VPNs where a VPN-ID is exchanged (col. 5, lines 29-30) and the VPN is registered (col. 5, lines 52-56; fig. 16, step 406). Further regarding claim 4, VNP tunnels are established (col. 5, lines 40-43; note: label based on a VPN-ID). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have VPNs in the network of Samarasinghe in order to provide a secured partition of a network as is known in the art (Hama, col. 1, lines 20-35). Further, it would have been obvious to one skilled in the art at the time the invention was made to have VPN information in SIP messages and register VPN information in the invention of Samarasinghe in order to provide call setup within a VPN network (Hama, fig. 6) or to update the topology of the VPN network (Hama, col. 16, lines 8-21).

4. Regarding claim 2, Samarasinghe does not disclose an MPLS network. However, Hama discloses an MPLS network (col. 3, lines 34-50). Therefore, it would have been obvious to

provide an MPLS network in the invention of Samarasinghe in order to provide connection-oriented services in an IP network (Hama, col. 3, lines 34-50).

5. Regarding claim 3, Samarasinghe does not disclose BGP. However, Hama discloses BGP (col. 5, lines 29-43). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to have BGP in the invention of Samarasinghe in order to provide a standardized signaling among the nodes of the IP network as is known in the art (col. 5, lines 29-43).

Claims 6 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Samarasinghe in view of Takeda and Hama as applied to claim 5 above, and further in view of Donovan (US 2002/0041590).

6. Regarding claims 6 and 8, Samarasinghe in view of Takeda and Hama does not disclose requesting VPN QoS. However, Donovan discloses providing desired QoS information in a SIP INVITE message (paras. 61-63). Therefore, it would have been obvious to one skilled in the art at the time the invention was made to request a QoS in a SIP message in the invention of Samarasinghe in order to reserve adequate network bandwidth as is known in the art (Donovan, para. 61-63).

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Samarasinghe in view of Takeda and Hama as applied to claim 14 above, and further in view of Faccin et al. (US 2003/0033518).

7. Samarasinghe in view of Takeda and Hama does not disclose the gateway having AAA capability. However, Faccin discloses a gateway having AAA capability (abstract; claim 5). Therefore, it would have been obvious to one skilled in the art at the time the invention was

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made to have AAA capability in the gateway of Samarasinghe in order to manage network resources as is known in the art.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Harper whose telephone number is 571-272-3166. The examiner can normally be reached weekdays from 11:00 AM to 7:00 PM ET.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached at 571-272-2092. The centralized fax number for the Patent Office is 571-273-8300. For non-official communications, the examiner's personal fax number is 571-273-3166 and the examiner's e-mail address is kevin.harper@uspto.gov.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications associated with a customer number is available through Private PAIR only. For more information about the PAIR system, see portal.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Kevin C. Harper

June 23, 2007